NEW YORK CITY.

All the United States courts and offices were par-tially closed yesterday out of respect to the memory of the late Secretary of war, and only urgent neces-

UNITED STATES COMMISSIONERS' COURT.

The Sheridan Shook Embezzlement Case.
Before Commissioner Shields.
The United States es. Sheridan Shook and

thers.—This case, in which the defendant, an ex-

others.—This case, in which the defendant, an excellector of internal revenue, is charged with defrauding the government, came up yesterday before the Commissioner. The detendint and his counsel, Mr. Sedgwick, called during the forenoon in order to bring matters to a satisfactory termination. Mr. Sedgwick delivered a brief address, caliming that after the statement of Assessor Cleveland, to the effect that he had not intended to implicate Mr. Shook in the charges complained of, and that as there was no evidence against him, the proposed examination should immediately be proceeded with. He considered it a hardship on Mr. Shook in the that the state of the defendant to have the hatter cleared up at once.

Assistant District Attorney Juckson, on behalf of the government, stated in reply that it became his duty to make different inquiry that the feates which were presented. There were matters connected with the case that demanced investigation. Besides the affidayil of Assesses Coveland there was other evidence in the ease which would be produced on the affidayil of Assesses Coveland there was other evidence in the ease which would be produced on the part of the government. An officer of the government and tendered a complaint, and it was other evidence in the ease that he ease of instice were accomplished. He demed that there was any hardship in the case. On the contrary, Mr Shooks had, it was said, expressed his anythingness to have the entire matter thoroughly sifted and bring the other pardles to justice. Under these circumstances he (Mr. Jackson) asked for a postponement till toesday, when the witnesses for the government would be in attendance.

Commissioner Shelds granted an adjournment till to-morrow morning.

Alleged Post Office Fraud.

The United States vs. J. Waldman. - The defend-ant, a clerk in the Post Office, was arrested on the charge of using cancelled postage stames. He was held in \$1,000 bail to await the action of the Grand

COURT OF COMMON PLEAS-SPECIAL TERM.

The Pacific Mall Steamship Company—Impor-tant Opinion by Judge Brady.

The Pacific Mail Steamship Company es. Leating and Joel.—Indge Brady has delivered the following

tant Opinion by Jadge Brady.

The Pacific Mail Steamship Company es. Lealing and Joel.—Judge Brady has delivered the following opinion in this case:—

Thave not been able to arrive definitely at the conclusion that the defendants have interposed a conster claim in this action which can be enforced against the plaintiffs. The plaintiffs' relations to the North American Lloyd's Steamship Company and those of the defendants to that company and the rights and liabilities of the paries hereto acquired by the agreement in reference to the organization of a new company will be accessarily involved in any investigation of the coun er claim; and it seems to me, although i than I am not called upon to decide the question upon this matter, that the parties necessary to such an investigation are not before the Court. It may be proper upon this subject to say in addition that the plaintiffs seem to have invited an examination and settlement of their accounts with the defendants, and to have in that way called upon this Court to exercise its jurisdiction over both; but that proceeding was predicated or the alleged contemplated saie of the steamers named in an improper and consequently disadvantageous manner, the result of which would be, as they allege, that selling for far less than their value the plaintiffs would surfer pecuniarily, masnuch as they would be entitled to a credit of the amount realized upon such sale. The chief design of the plaintiffs seems to have been to have the vessels soid separately. Assuming, however, without further comment, that a valid counter claim has been see up, it appears to be denied by the plaintiffs and put it is suc, and it does not appear that it would be jeopardized by a discontinuance of the sation or by the plaintiffs and the second or the controlled, although a counter claim has been interposed. The cases are unform on this subject. (Gassmith vs. Sutherland, I fillion Rep., 236; Coul vs. Beach, 25 How. Pr. Rep., 236; Coul vs. Beach, 25 How. Pr. Rep., 236; Coul vs. Beach, 26 How. Pr.

the plaintiff—and it matters not in relation to the defendant's remedy on the undertaking whether the case is ended by the act of the plaintiff or not—he does not maintain the case he has made and bears the burden of his failure to do so. In the case of the Methodist churches of New York vs. Barker (18 X. Y. Rep., 483) an order of reference was made where the complaint had been dismissed. It does not appear by the report whether the dismissal was upon a trial or otherwise. In legal effect at least, in reference to the decendant's rights upon the undertaking given in a case like this, there can be no distinction between a dismissal of the complaint for failure to prosecute and a discontinuance. In both the plaintiff refuses to proceed upon the merits to submit his chain to the tribunal he has selected after the resuses made, and the retustal is a selected after the resuses made, and the retustal is

plants for failure to prosecute and a discontinuance. In both the plantial reinses to proceed upon the merits to submit his claim to the tribunal he has selected after the estence made, and his retural is a quasi admission that he cannot maintain the ection there existing. Such an admission involves the concessions that the infunction could not be sustained, and that the plantial was not entitled to it. When the plantial's right to discontinue is to be employed it would be unjust to uphoid a contrary dostrine. The Code does not in my view of it require that a judgment should be entered to make the defendant's remedy on the undertaking period. It is only required that he court should, analy decide that the plantial' was not entitled to the injonction, which, as already sugested, has been down in his case; but all question upon that subject can be set at rest by the entry of a judgment of continuance of an action without payment of costs is a multiry idelication of without payment of costs is a multiry idelication of its portion, and it would be unfig to provent his entering up a judgment for costs is a multiry idelication. It is not interest in the provent his entering up a judgment for costs is a multiry idelication of the court to review and to restrict the exercise of such author, 179.) My conclusions for these reasons are:—First—That the plantiffs had the right of discontinue subject to the power of the Court to review and to restrict the exercise of such author, 179. My conclusions for these reasons are:—First—That the plantiffs here the counter chain will be joopardized thereby, the discontinuance and for costs. Forth—That the defendants have the power to their results of the counter chain will be joopardized thereby, the discontinuance and for costs. Forth—That whether such judgment be entered in this action and referred to in the preceding opinion, finally decremined in the fundants have the power to make discontinuance and for costs. Forthe-That whether such judgment be entered or not his section that t

re entitled to an order of reference to ascertain the lamages sustained by them in consequence of such njunction having been issued. The Leslie Divorce Case-Order of Judge

the pleadings in this action, and on reading and di-log the order to show cause, dated May 27, 1859, ing the order to show cause, dated May 27, 1859, why the order of discontinuance, entered ex partic and dated the 24th of May, 1869, should not be vacated and set aside, and the anidavits of Patrick Noian, Samuel Boardman and C. R. Cheever, the staphatton dated May 22, 1869, giving plaintair time to reply, noisee countermanding saidistipulation, dated May 31, 1869; the noise of plaintin offering to pay defondant fifty deliars for costs on discontinuance, and on reading the order of the Special Term, dated July 22, 1808, granting alimony and counsel fee in this action, and the order of the General Term aftirming said order, dated May 18, 1869, and said order of discontinuance,

the new Court House. Mr. B. Malone, the efficient Clerk of Part 2 was as busy as a nuller yesterda; putting things to rights and seeing that the import ant legal cocuments under nn control were secured in such a manner as to insure their safe transfer to their new quarters.

COURT OF GENERAL SESSIONS.

Dishonest Servant Girls Convicted and Sentenced-A Number of Accused Parties Tried and Acquitted.

Before Gunning S. Bedford, Jr., City Judge. The first prisoner placed on trial yesterday was Robert Pustin, who was charged with entering the room of George A. Mathewson, on the 15th of Au-gust, he being a guest at the Western Hotel. The jury rendered a verdict of not guilty, on the ground

of a variance between the proof and the indictment.

The papers were sent to the Grand Jury and a new indictment will be found on Friday.

Annie Workin, who was charged with steading a piece of silk, valued at fifty dollars, on the 21st of August, from Maggie Hoerg, pleaded guilly to petty larceny. She was sent to the Pententiary for six months.

harceny. She was sent to the Pententiary for six months.

Margaret Harsen pleaded guilty to an attempt at grand larceny, the indictment charging that on the leth of July she stole \$100 worth of wearing apparel, the property of Charles H. Tallabe, 164 Second avenue. She was employed as a domestic in the house of the complainant. Judge Bedford in passing sentence soil that he would teach all disnonest servants brought before h in that they cannot take advantage of the kindness and confidence of their employers and escape punishment. The prisoner was sent to the State Prison for two years and six months.

ACQUITALS.

Mooths.

Assistant District Attorney Hutchings put upon the calendar a number of cases where the testimony for the prosecution was very "shaky," but as the parties were in prison it was necessary to dispose of them, and if they could not be convicted by legal evidence they were entitled to be discharged.

Sarah Thompson, who was charged with stealing two diamond righs from Mary Davis, 174 Wooster street, on the 17th of August, was tried and acquitted. She was the chambermaid of the complaining lady.

ted. She was the chambermaid of the complaining lady.
Adolphus Bering. Emanuel Kling and Paul Barber lwere charged with robbing Theodore Bertrand on the 6th of July, of the sum of twenty dollars. The testimony showed that the complainant was creating a disturbance in a sation on the Ninth avenue, and that the accused parties, who were hard-working young men of irreproachable character, committed no offence. The jury promptly rendered a verdict of not guilty.

that the accused parties, who were hart-working young men of irreproachable character, committed no offence. The jury promptly rendered a verdict of not guity.

John Murphy, who was charged with stealing a gold watch from Wm. D. Maskell on the 234 of August, at a shoomakers' plenic, was also acquitted.

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John Freeman and Phoebe Rose (young girls) were charged with stealing a poclectbook. containing \$167, from Louisa Williams, at a disreputable house in Bayard street. The testimony of the complaining witness was not of a character to be relied on by the lury, who rendered a verdict of not guilty without leaving their seats.

Sammel Kaufmann pleaded guilty to petty larceny, the charge being that on the 13th of August he stole a watch from Joseph Chinal. That being his first olience, and a number of sillavits having been submitted showing his previous good character, judgment was suspended.

The following is the calendar for to-day:—The People vs. Andrew J. Clarke, obtaining goods by false pratences; Same vs. Charles H. Bolds, forgory: Same vs. Thomas Murray, burglary; Same vs. John McCabe, felonious assault and battery; Same vs. Edward Quinn, burglary; Same vs. Learnes, Same vs. Edward Quinn, burglary; Same vs. Learnes, Same vs. Edward Quinn, burglary; Same vs. Learnes, Same vs. Maximilian Weil, grand larceny; Same vs. Schultz, grand larceny; Same vs. Maximilian Munch, grand larceny; Same vs. Maximilian Munch, grand larceny; Same vs. Maximilian Mench, grand larceny; Same vs. Maximilian Mench, grand larceny; Same vs. Henry Frice, grand larceny; Same vs. William Raulhan, larceny from the person; Same vs. William Raulhan, larceny from the person; Same vs. William Parceny Same vs. Peter Johnning, grand larceny; Same vs.

COURT OF SPECIAL SESSIONS.

Stopping the United States Mall in Broadway-Wasting the Water at Booth's Theatre-New Version of the Law us to Changing Dollar Bills-Inability to See in the Dark.

Before Judge Dowling.

There was a large attendance of spectators at this court. The calendar was unusually light, there being only twenty-five cases entered, fourteen of which were for assault and battery, nine for petty larceny, one for malicious mischief and one for

John Byrnes, driver of an express cart carrying bags for the United States mail, was charged with assaulting officer Woodward, of the First precinct. The officer stated that he was on duty in Broadway, and in regulating the tradic of that crowded thoroughfare he told Byrnes to pull his cart up. Byrnes refused to do this after a slight altercation, upon which Woodward mounted the cart to take Byrnes into custody. Byrnes struck the policeman with the end of the whip, and as Woodward had some doubts as to whether he could legally arrest Byrnes, as he was in charge of the United States mail, he forbore the exercise of his official authority until Byrnes had denosited his last assaulting officer Woodward, of the First precinct,

could legally arrest Byrnes, as he was in charge of the United States mail, he forbore the exercise of his official authority until Byrnes had deposited his last hag in the interior of the Post Office. Woodward then arrested him and took him to the station.

Upon cross-examination by the prisoner's solicitor, woodward said that Byrnes threatened to "mark him." Air. Charles Forrester, assistant superintendent of mails in the Post Office, New York, gave evidence as to the duties of Byrnes and said that Woodward complained to him of Byrnes' conduct, upon which witness replied that he could not arrest Byrnes wille in the discharge of his duty as deliverer of mail barst heard a bystander tell the officer that the mails were discharged, and then Byrnes was appre-

of mail bags; heard a bystander tell the officer that the malls were discharged, and then Byrnes was apprehended. The instructions to the drivers were to get as quickly through the streets as they could, consistent with a due regard to public safety.

The Judge said that the testimony of two witnesses had proved the prisoner guilty of an assault. The law did not make any difference between the driver of a cart containing the United States mail or anything else belonging to the State and the driver of an ordinary cart. The police were placed in the streets for the purpose of regulating the traffic, and helic orders must be obeyed. He (the Judge) had noticed that the drivers of these mail carts and express carts generally conducted themselves as if every vehicle in the streets was to make way for them. This was a debusion. The officer had exercised great forbearance toward the defendant, and had allowed him to go to the Post Office and complete the delivery of the mail. The drivers of these carts must know that they are as amenable to the law as any other critizen, and do not possess any privileges over anybody eise.

Evynes was fined fits dollars and to be confined in

caris must know that they are as amenable to the law as any other citizen, and do not possess any privileges over anybody eise.

Eyrnes was fined fifty dollars and to be confined in the City Prison for fen days.

AN OVERTLOW AT BOOTH'S THEATRE.

Thomas McCready, a respectably oressed middle aged man, and formerly a servant at "Booth's," was charged with committing malecious damage at Booth's theatre. Mr. J. Heary Magonigle, the business manager of the theatre, said that on information he had received from his watchman he went on to the stage on Sunday last and found that it was flooded with water. The scenery was very much damaged. McCready had been discharged from the premises about four months since, he having previously been employed at the theatre. The reason he was discharged was that he had been endeavoring to destroy and lajure the working of the machinery which regulated the scenery. Patrick Golden, the watchman, stated that he told the prisoner on this occasion to leave the premises, and that when he saw him turn the water on winess went below and stopped the supply of water or the damage would have been very serious.

The Jadgo—What made you do this?

Defendant—I was incapable of knowing what I dd. I was in liquor when I went in there.

Judge—It is evident you had some feeling of animosity against some person in the theatre. I don't know that you did a great deat of harm; but you intended to do it. Besides this you wasted the water, and that, too, at a time when it is eight feet below the water mark in the reservoir. I shall send you to the Pennienthary for four months.

the water mark in the reservoir. I shall send you to the Penticulary for four months.

GETTING THE CHANGE FOR A TWENTY DOLLAR BILL. Antonic Long, an Hallan, had taken compassion upon Mrs. Margaret McMauus, a pensioner, who had entered a saloon, where Long was drinking, in a state of great distress and, as he said, burdened with liquor, because she could not get a twenty dollar bill changed. Long undertook to relieve the lady of that little difficulty, and on her entrusting him with the bill he went his way, which proved to be a dishonest way, for he did not return with the "change."

Mrs. McManus, on presenting herself before the Judge, rather hesitated to give any evidence. "Long mas get a low dollars and that's all I want." said the lady. The Judge told her it was not all ne wanted, and asked her to kiss the book, which she did after a sight hesitation.

English sneak thief, charged with stealing two table-cloths from the house of Wilnems Kuntz was sen-tenced to four months' imprisonment in the Peniten-tiary. Louis Scheiber for stealing from a ship a tub-of butter valued at afteen dollars was sentenced to three months in the Penitentiary, Charles Miller, who committed an assault upon his neighbor, George P. Honeyusun, alleged as an excuse for the assault that he saw the complainant near to his tene-ment, and supposing he was a thief he struck him. It was dark and he could not see who it was. Judge—I shall fine you twenty dollars for not seeing in the dark.

Judge—I shall fine you twenty donars for acceeing in the dark.

James Waish, a shoemaker, residing at No. 61
Chambers street, for assaulting officer Moyland, of the Seventh precinet, was discharged. John Martin, for stealing a watch from William Huss, was also acquitted. Patrick Martin, who pleaded guilty to assaulting Martin McNutz, was discharged on the payment of ten dollars, the amount of expenses compisionant had incurred in surgical attendance.

CITY INTELLIGENCE.

THE WEATHER YESTERDAY.—The following record will show the changes in the temperature for the past twenty-four hours in comparison with the corresponding day of last year, as indicated by the thermometer at Hudnut's pharmacy, Herald Building, Broadway, corner of Ann street:—

8. A. M. 65 (869).

8. A. M. 64 (66 2P. M. 76 73 6A. M. 65 (65 CP. M. 76 73 73 9A. M. 72 67 9P. M. 75 70 12 M. 74 72 12 P. M. 74 66 Average temperature yesterday. 66 Average temperature for corresponding date last year.

Correction.—The advertisement which appeared in the Herald soliciting a partner for Sauford & Mountains of the Mountain of the Merald soliciting a partner for Sauford & Mountain of the Merald Sauford & THE WEATHER YESTERDAY. -The following record

m the Herald soliciting a pariner for Sanford & Merrill, was not inserted in good faith.

RAISING A SUNKEN VESSEL.—Barge General Halleck, sunk August 31 at 124th street, East river, with a cargo of brick, was successfully pumped out and raised yesterday in thirty-five minutes, by steam fire and wrecking boat Louis.

ATTEMPTED SUICIDE.—Yesterday William Harnett. aged sixty-three years, residing at 426 East Twentieth street, cut two deep gashes in his throat with a razor. He evidently premeditated the deed, as he selected two razors and repaired to the cellar to accomplish his purpose. Harnett's wounds are considered fatal. He was sent to Bellevue Hospital for treatment.

THE ALLEGED POLICE CLUBBING CASE .- In the natter of Jacob Berkle, the German emigrant alleged to have been seriously clubbed by some officers in the Fifth precinct station house, as has already been fully reported in the HERALD, additional testimony was yesterday taken before Coroner Flynn, at the Coroner's office. The further hearing was adjourned till to-day.

the business of the fire insurance companies doing business in this city during the first six months of the year:—New York city combination companies, \$1,209,004; New York city non-combination companies, \$1,826,589; out of town companies, all uon-combination, \$4,050,044. Total, \$7,085,337.

ALLEGED FORGERY ON THE PHENIX NATIONAL BANK.—At the Tombs Police Court yesterday after-BANK.—At the Tombs Police Court yesterday afternoon Mr. Eneas F. Macintosh deposed before Judge
Horan that yesterday (Thursday) a certain check,
which was produced in court, drawn on the above
bank for twenty dollars, was presented to him at
the bank by the prisoner, John Haveron, and that
the same was a forgery. Haveron said he was no
guilty, and that he resided in Brooklyn and was a
shipping agent. Mr. Howe, who appeared for
Haveron, said that he should be prepared to show
how the check came into prisoner's possession.
Haveron was then sent down to the cells.

OBSECTIES OF AN ARTIST.—The funeral of the late James H. Cafferty, the well known painter and mem-James H. Cafferty, the well known painter and member of the National Academy, took place yesterday afternoon from No. 1,275 Broadway. The services were performed by Dr. Joseph P. Tnompson, of the Broadway Tabernacle. A large number of his personal friends and members of the Academy were present. Among the latter were Mr. De Heas, Mr. J. M. Fakher, Mr. Fanshawe and Mr. J. G. Browne. The pall bearers were Messrs, Henry Peters Grav. E. D. E. Greene, S. J. Gray and Davis Johnston. The funeral was very private, the remains being followed to Greenwood Cemetery by only two carriages, one containing the family of the deceased, and the other the pall bearers.

THE JEWISH BURIAL SOCIETY.—This society was organized last night in the synagogue B'nai Jeshurun, in Thirty-fourth street, near Broadway, Mr. Abraham Octtinger occupying the chair, and Mr. Isaac Hermann acting as Secretary. The object of the organization is to bury with decent respect, and in accordance with the observances of the Jewish faith all the poor and lowly deceased members of the faith. The following officers were duly cleeted:—President, Mr. Abraham Octtinger; Treasurer, Mr. Joseph E. Guttenberg; Secretary, Mr. George B. Cohen. On motion it was resolved that the name of the society should be "The Hebrew Free Benevolent Society," and after the transaction of some further business the meeting adjourned to reassemble at the call of the Chair.

CHILD LOST—HIS BODY FOUND IN THE WATER.— THE JEWISH BURIAL SOCIETY .-- This society was or

CHILD LOST-HIS BODY FOUND IN THE WATER. Last Saturday afternoon Mrs. McCrundles, living at No. 313 Delancey street, being much engaged in her domestic auties, paid a lad five cents to take charge of her little son Patrick, two and a haif years of age. The children went out to play on the walk, during which the child strayed away and was lost sight of by his companion. Being mable to find him the boy ran into the house and told Mrs. McCrundles that her boy had disanpeared. She immediately started out in pursuit, but being unsuccessful called her husband from his work. They visited nearly every station house in the city, also the public institutions, but could gain no tidings of the child till yesterday morning, when his dead body was found floating in the dock foot of Delancey street, East river. It is supposed that deceased strayed away to the pier and accidentally falling overboard was drowned. The body was conveyed to the residence of the parents and Coroner Schirmer notified to hold an inquest. Last Saturday afternoon Mrs. McCrundles, living at

A DIAMOND FANCIER.

Member of the Cuban Ladles' Aid Society Robbed. Charles W. Langley, alies L. F. Melrose, alias Mor-

ton, is a young man aged about twenty-three, whose whole soul has been collisted in the Cuban cause and the laudable efforts of her fair daughters in this city to render aid to the struggling heroes in the Antilles. Charles is a comely fellow, a fine conversationalist, and consequently popular with the ladies. At all the Cuban fairs he was in attendance, and was a great favorite. When Coionel Ryan got up his expedition Charley joined it, and was considered a good fellow. He next turned up in the character of a diamond funcier. On Saturday last detective Eustace entered the lewelry store of Mr. Kirkpatrick, corner of Duane street and Broadway, and observed Langley pricing diamonds. selected \$13,000 worth, and gave an order for the amount upon Vermilye & Co., Wall street. Mr. Eustace whispered a word in the ear of Mr. Kirk-

selected \$13,000 worth, and gave an order for the amount upon Vermilye & Co., Wall street, Mr. Enstace whispered a word in the ear of Mr. Kirkpatrick, who despatched a messenger and ascertained that Langley was unknown in Wall street. Of course he left without the diamonds.

On Monday Mr. Eustace was called upon by Mr. McClure, of Tirany's house, and informed that a party was in their establishment pricing diamonds that they had cause to suspect was a swinder. Eustace proceeded to the store and saw Langley select \$11,000 worth of diamonds. He exhibited the following letter to make it all right, and state! that he would telegraph to Essiter and call for the diamonds on Tuesday:—

Cincinnat, Sept. 3, 1889.

To Charles W. Langley, Ess., New York:—

Dean Charles—I want you to go to some joweiry establishment in New York and procure for me a solitare diamond (atone only) weighing from eight to ton carats; also three single stores, suitable for ear pendata, weighing each four or five carats, the entire four not to exceed in coal \$14,000 or \$15,000. You will please to bring them with you, and I will reimburse you for your pains. Nellie is to be married on the 14th, and she is determined to have these stones placed in the old satting worn by her mother. Try and arrive by Friday night. All unite in sending their ragards. Your cousts.

When he called on Tuesday Mr. Eustace was there and arrested him. Mr. Kirkpatrick, however, declined to prosecute him, and he was discharged. On Wetnesday Sonora Villaverde. President of the Chan Ladies! Aid Society, called at the Central Office and stated that her room, at No. 118 West Twenty-thrd street, had been robbed of \$1,000 worth of diamonds. Enstace inquired the names of the occupants of the house, and was informed that ene of the bonders was L. F. Melross. He turned to the blotter and found that to be the name given by Langley when arrested. Bot him and gotting away with Tirany's diamonds, that we her evolver to assist him in his escape:—

My Dran Palmen.-You will be doing nea cr

Colnel Ryan's object in calling on Langley was to secure the return of the diamonds for the Cuban ladies, but he denies the larceny. On his person was found the following document, showing that he was prepared to compromise with his vicelima. While with the Cubans Langley acted as correspondent for a Chicago Journal.

We, the undersigned, do bereby agree not to prosecute nor appear against, nor cause to be streamed the bearer, L. F. Heirose, known as Charles W. Langley, who, on the —day of Espiember, robbed us of diamonds to the value of — is but do causidar has matter to have been fully and analysis of the latter.

and do consider that we have no charge to prefer against said L. F. Melrone. Our signatures

KICKED TO DEATH BY A WOMAN.

The Hickey Homicide-Coroner's Investiga--Mrs. Anderson, the Assallant, Held For Trial.

Yesterday morning Coroner Schirmer he quest at the Morgue on the body of John Hickey, late of No. 10 Roosevelt street, who died in Believue Hospital from the effects of miurica received by being kicked in the abdomen on the 2d inst. by Mrs. Margaret Anderson, living in the same house, as heretofore reported in the Heralin. Subjoined is an abstract of the most important testimony elicited and the verdict of the jury:-

Patrick Clark, a shoemaker, of No. 10 Roosevelt street, deposed—I boarded with deceased for the last three months; deceased and myself, who worked in the same shop, had just come home on the after-noon of September 2, when we heard a quarrel out on the landing, in front of Mrs. Rigby's room; the deceased and myself went out to see what the matter was, the deceased going first; I saw Mr. Murphy had separated the women; Mr. Anderson stood behind his wife, holding her by the shoulders; Mr. Hickey, the deceased, stood in front, when I saw Margaret Anderson, the prisoner, raise her foot and kick the deceased in the lower part of the abdomen two or three times; Mr. Anderson took his wife down siairs; the deceased then told me that he had been kicked by the prisoner. Margaret Anderson; on Sunday morning Dr. Welch was called to attend him, having become seriously sick on Saturday night; the deceased then told me that he had been kicked by the prisoner me and Dr. Weich that the woman had kicked him; before the deceased was kicked by the prisoner he had made no remarks or tried to interfere in any way, being merely a spectator; deceased was removed to the hospital, where he died on the same evening, at ten o'clock.

Patrick Clark, of No. 10 Roosevelt street, heard a quarrel between women, and going from his room to see what the natter was, found that Mrs. Anderson and Mrs. Rigby had been separated; Mr. Hickey, the deceased, was there; the witness saw Mrs. Anderson raise her foot and kick deceased in the lower part of the abdomen two or three times; Anderson then took his wife down stairs; deceased then told the witness he had been kicked by Mrs. Anderson; before the deceased was kicked by the prisoner he had made no remarks nortried to interfere in any way, being merely a spectator.

Dr. Welch was called to see deceased on Saturday morning, and finding that he was dangerously mijured in the lower part of the abdomen advised his removal to the hospital. Deceased took the doctor he had been kicked twice by a woman.

Henry E. Owen, M. D., House Surgeon of Bellevue Hospital, deposed that deceased was admitted to this institution on September 7 in a state of collapse, giving marked symptoms of peritouitis; he sank rapidly and died about eleven o'clock on the night of on the landing, in front of Mrs. Rigby's room; the deceased and myself went out to see what the mat-

That John Hickey, the deceased, came to his death by perionitis, consequent upon rupture of the pladder, caused by being kicked in the abdomen by Margaret Anderson, Sep-tember 2, 1869.

The accused is thirty-nine years of age, a native of Ireiand, lives at No. 10 Roosevelt street, and is a nousekeeper. She pleaded not guilty to the charge preferred against her. Coroner Schirmer committed the accused to the Tombs to await the action of the Grand Jury. Deceased was forty-three years of age and a native of Ireiand.

THE POLICE COMMISSIONERS.

The Obnoxious Uniform Order Revoked-The Henaquarter Surgeons-Dismissal from the

The above Board held a session yesterday, all the meinbers being in attendance. Patrolman A. G. Price, of the Fourteenth precinct, was dismissed the force. and leaving post; Martin Hiues, of the Twentieth, for (supposed) intoxication; John Kernau, of the Porty-ninth, and Patrick Joyce, of the Piftieth pre-cinct, were also dismissed. The offence of the latter was kissing a blonde German domestic during his hour of duty.

On the 28th of June last the Board of Surgeons reported that they had, in obedience to an order of the Police Board, appointed Drs. J. G. Frazer and W. J. Doner, as surgeons at Police Headquarters in place of the present incumbents, Drs. Pooler and Armstrong, Yesterday the Board accepted the report, but, as it was not adopted, Messrs. Pooler and Armstrong will likely continue to perform the duties.

The subject of comrelling the force to wear uniforms at all times was taken up. The obnoxious order passed on the subject was fully considered, and the Board gracefully recented from its previous action and modified the rule so as to read as follows. This is a virtual repeal of the rule:—

BULE 45.—Captains are always on duty, and shall wear the prescribed uniform at all times, unless specially authorized to wear citigan's clothes by the Board or the Superintendent of Tolick. On the 28th of June last the Board of Surgeons re

of Police.

Sevensis, roundsmen, patrolmen and doormen shall wear
the prescribed uniform at all times when their respective pla-toons are on patrol or reserve duty, and when the off platoon
may be called on duty on extraordinary occasions.

When either the above enumerated members of the force
attend at any court as winces or complainant, or at the regu-lar or special drills for exercise, or at headquarters on any
bustness winatone, or at the school of instruction, he shall
appear in the prescribed uniform.

is or special drifts for exercise, or at hesedquarters on any pushess whatever, or at the school of instruction, he shall appear in the prescribed uniform.

Members of the force may, for special purposes, he relieved from wearing uniform by the floard or the Superintendent of Police, but at no time, while in citizen's dress, is any member exempted from the performance of police duty. The caps, gloves, shelds, hadges, emblems, devices, belts and buttons shall correspond with samples deposited in the cloth room at the Central Department.

The coat will be buttoned at all times, when on duty, and the sheld will not be worn on the outside of the dress when off unity.

Segregant Lynch, of the Fourth product, was trans-

Sergeant Lynch, of the Fourth precinct, was transferred to the Fifth, and Sergeant William H. Chryste, of the Fifth, to the Fourth. The Board have under consideration the propriety of issuing an order compelling the members of the Board of Surgeons to wear uniform.

Alleged Mulpractice in Stanton Street-The Seducer and a Physician in Custody-Testi-

mony of the Victim.
Early yesterday afternoon Sergeant Sanders, of the Tenth precinct, waited upon Deputy Coroner Shine at the City Hall and informed him that Mary Boland, otherwise known as Mrs. Charles Shay, was lying in a very precarlous condition at the house of Stanton street, and suffering from the effects of

Drs. Shine and Cushman immediately repaired to the place indicated, in company with Coroner Flynn, and found the sufferer lying in the front room, on the second floor, in spasms and convulsions, and apparently in a very dangerous state. Subsequently she became more composed and expressed a withingness to tell the truth regarding her condition, and accordingly made the following

STATEMENT:-

About three weeks since I had reason to consult Dr. E. W. Vondersmith, of No. 158 Bowery. I went to him he examined me and told me that I was pregnant. He offered to get me rid of the child, to which I consented. He gave me some medicine for which I consented. He gave me some medicine for that purpose, for which I paid him eight dollars. Not finding the promised relief I again visited him and paid him five dollars. Feeling unwell on last Saturday, I, by advice of a female, went to Dr. Walforth, No. 22 New Bowery. He refused to examine me unless I had a lady or my husband with me. That evening I went with my husband to Dr., Walworth. He examined me in the adjoining room. My husband waited for me. I left and came home. On Monday I felt very bad, and my husband went for Dr. Walforth. He came and has attended me since.

The case was then submitted to a jury, who ren-

On Monday I test very bad, and my husband went for Dr. Walforth. He came and has attended me since.

The case was then submitted to a jury, who rendered a verdict as follows:—'That Mary Beland came to her present perilous condition from the effects of medicines, prescribed for her by Dr. E. W. Vondersmith, of No. 158 Bowery, for the purpose of procuring an abortion.''

As soon as Airs. Shay confessed that she had taken medicine prescribed by Dr. Vondersmith that genticinan was watted upon by Setgeant Sanders and brought to the presence of the sick woman, who identified him as the man from whom she had procured the medicine.

Dr. Vondersmith admitted selling medicine to the young woman, but not for the purpose alleged. He most solemnly profested his innocence, and those who have known him in the Bowery for many years past say he has maintained an unsuffined reputation. Dr. Vondersmith says his prescriptions will show that the medicine he gave would not have the effect of producing an abortion, and the idea of even being suspected of countring at such an offence drove him almost to despair.

Derostrion of Mas. Ecknard, doctress, residing at 34 Stanton street, being duly aworn, says—About three weeks since Mr. Scharch, doctress, residing at 34 Stanton street, being duly aworn, says—About three weeks since Mr. Scharch, doctress, residing at 34 Stanton street, being duly aworn, says—About three weeks since Mr. Shay and Mary Boland, who passed as his wife, came to live in the same house with me; about two weeks since I had a conversation with Mary Boland in the yard of our house; she then told me that she was pregnant for three months, and showed me a box of pills she was taking for the purpose of getting rid of the child; she said her mashand did not want her to have children; I told her not to take the pills, as they would kil her; on kast Monday morning, about two

Monday, September 6, I had a conversation with Mary Bosand in her room; she was ill in bed at the time; I asked her what was the matter; she said she had an operation performed on her on Saturday, and that she was delivered on Saunday, after the operation; I have seen Dr. Walforth attending her since.

Dr. Walforth stated that Miss Boland called at his office on Saturday last on professional business, and from a partial examination then made he declined to prescribe, and ahe left; the following Monday he was called, and has been attending her since; Dr. Walforth is said to be of good repute among the medical fraternity, not one of whom for a moment would suspect him of complicity in such a case as this.

would suspect him of complicity in such a case as this.

After learning everything possible concerning the matter Coroner Flyan considered himself justified in committing Shay and Dr. Wolforth to the Tombs to await a further examination. Shay, who is a tail man, with black hair and mustache, keeps a billiard saloon at No. 199 Bowery. Mrs. Boland, mother of the exet gri, a hight respectable lady, is in the deepest distress at the disgrace brought upon her family by the designing Shay. She says that on the 10th day of July Shay decoped her daughter away and they went on a picale, remaining away all night. Some days subsequently Mary returned, and being gently remonstrated with for her conduct left the house and never returned. Shay and his victim both insisted that they were Flynn Shay confessed that he was not married to Miss Boland. Dr. Vondersmith was not locked up, but placed in charge of detective Haley, attached to the Coroners' Office. Further developments with probably be made in the case to-day. Miss Boland hilly exonerated Madame Eckhardt from any participation in the affair.

REAL ESTATE MATTERS.

Real Estate Notes.

The following sales of real estate in Boston are reported in the Traveller of the 5th inst:—Bernard Foley, for \$2,925, has bought of Ezra J. Coates a lot of land at Boston Highlands, at the corner of Grove Hall avenue and Edgewood street, containing 16,630 square feet. Mesers. Thulin & Jansson. for \$2,584, have bought of Roger Drury, 5,169 square feet of land on the southwest side of a court or street 30 feet wide, running southwesterly from Parker street to the Boston and Providence Railroad. The estate No. 19 Billerica street, for \$4,300, has been bought by Mr. Abrams the broker, from Messrs. Hickok & Prosser. Michael Burk, for \$5,700, has bought of A. H. Read an estate on the southeast side of Willard street, 2: feet and 6 inches front. Lorenzo Bowen, for \$1,500, had Poplar court. Mrs. Wright, for \$2,500, has bought o

Rand printing office building on Cornhill, about has of the City Hotel and the alley that runs along it, a corner of the furniture or old Museum Hall, on Flui street, that corner towards Hanover, that part of the Solomon Whides estate that is on Hanover street, &c. The amount of land taken is by general terms as follows, the final decision as to the number of feet not being quite definite:—Cornhill—herrs of Edward Tuckerman (Rand's), 2,855 feet: Bratile street—Fifty Associates (Cily Hall, &c.), 13,770 feet; Elm street—herrs of Samuel Whitwoil, 140 feet; Hanover street, southeast side—herrs of Solomon Wilde, 8,220 feet; heirs of Thomas Capen, 130 feet; Hanover street, where While's bonnet rooms are. Hence these old buildings were left standing when the rest of Hanover street, where While's bonnet rooms are. Hence these old buildings were left standing when the rest of Hanover street, horthwest side—J. M. Beebe's estato, 180 feet; J. H. Hatch, Jr., 905 feet (S. Blotton's boot store; Thos. Higgins, corner of Friend (Everett occupant), 1,925 feet; heirs of Samuel Kendall, other corner Friend, 2,035 feet, now occupled by Dwight Wheelock & Co.; Childs, Crosby & Lane, & Jeet, Friend street—Ed. Jordan's back corner, 140 feet; rear of four estates running back to centre of the block—Elizabeth P. Gray, 1,420 feet; George W. Berry, 360 feet; Haymarket square—Mary E. Bird (rear corner), 715 feet; \$8. Androw's Lodge, 5,700 feet; Alpheus Hardy, trustee, 1,007 feet. The amount of damages to be assessed for each estate has not yet been fixed.

Bd av, w s, bet 26th and 87th ats, 4 years and 10 months, per annum.....

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QUARANTINE.

Statistical Report for 1869-Comparison With Mortality of Former Years-Yellow Fever Report.

approach of antunn's invigorating temperature have terminated the season of postilence at Quaran-tine, and affairs are as dull in the hospitals of in-fection as can be imagined. No infected vessels have arrived for some time past, and there are no cases of yellow fover or any other pestilence as Quarantine. A few vessels which arrived during the summer with fever are idly swinging at auchor in the bay, awaiting the purifying influences of frost, and a small number of nurses linger in the hospital for any new cases which may arrive; but aside from the regular visits of the health officers to passing ships Quaran-tine matters are as dull as in midwinter. During the namer, however, quarantine has been busy enough, and the almost duty arrival or vessels, include to mind the terrible visitations of pestilence upon New York and other Atlantic cities in previous years. At one time there seemed to be great danger of yellow fever reaching our population; and with a realization of the awful havon which such an epidemic would make in our crowded and uncleanly city, the most strenuous efforts were made to confine the disease to the lower bay. The quarantine statistics of the year show that the number of yellow fever cases has been greater than that of any previous year since 1855, with the exception of 1861, as will be seen by the following

YELLOW PEVER REPORT FOR 1889, which shows the total arrivals from the 15th to the 1st of September, with and without sickness, from the different ports infected with yellow lever, together with the number of sick and deaths upon these vessels in port, on the passage and in

Injected Ports.	m N	Total acribats daily perion.	Port.		Primap.		and continue	
	ring with		56.5	Dial	S. L	Died	Sich	D.d
Hayana	8	95 27 17 8	29 12	8	19	5	18	14
Matangas	6	17	12		9		6	
Santiago	1	8	1	10	1		-	100
Remedios	-	10	1	4	***	-	-	-
Z.w.z.a	1	1	1	1111111	2	2	-	-
Porto Rico ports	3		-	-	5	3	-	
St. Domingo city Port au Prince	PA	6	5	100	0		1000	100
Goadaloupe		2		3	100	3.20		
Martinique		2	-	-	1 -		-	
Key West	1 2	2		-	1		-	771
Spanish Main Rio Janeiro	10	18	0.7	-	3	2	100	350
Aspinwall	10	18 26 12			0		1000	100
Vera Cruz		4	11211111	-				
Total	34	170	63	21	89	19	39	10

The stands on the southers and of Willard street, 22 feet and sinches front. Lorean Bowen, for \$1,900, has bought of withow Morrary hand and buildings on Poplar court. Will, with with the stands of Street arteet, the lot being twenty the stands of Street arteet, the lot being twenty the stands of Street arteet, the lot being twenty the stands of Street arteet, the lot being twenty the stands of Street arteet, the lot being twenty the stands of Street arteet, part weathery of Burlest twenty will be stands of Street arteet, part weathery of Burlest twenty and the stands of Street arteet, part weathery of Burlest twenty and the stands of Burlest twenty and the stands of Street arteet, part weathery of Burlest twenty and the stands of Street arteet, part weathery of Burlest twenty and the stands of Burlest twenty and the stands of Burlest twenty and the stands of Street arteet, and

and the articles of these dates it has reappeared spontance only every year in several of the West India Islands and ports of Mexico, like a botanical product indigenous to their soil.

In this city, in 1708, when New York contained but so the street in the street in

were of the manginant type so frequently met with on West india vessels.

The smallpox report for the year shows 26 vessels, with 143 sick persons out of over 19,000 vaccinations at Quarantine. This disease has been more prevatent the past summer than in any previous actson for several years. The average number of deaths in New York from smallpox from 1868 to 1868 to 1868 was 196 per annum, and from 1868 to 1860 the average annual meriality was 400, while in 1866 the total number of deaths from this disease was only 28, in 1867 19, and in 1868 the mortality had fallen to 18. These figures include all the cases sent from vessels in quarantine to the Smallpox Hospital on Blackwell's Island. Lax year smallpox prevailed in an epidemic form throughout the Pacific States and Territories. From sixty to seventy deaths per day occurred at San Francisco out of a population of 18,000, while in many places in the interior of the State the scourge was even more severe. The disease travelled by every stage and railroad route in Canfornia, while by sea it was carried to almost every port on the North Pacific coast. Crossing the Sierras is reached Virginia City and other towns east of the mountains, extending its ravages with fearful mortality among some eithe Indian tribes. It also appeared in a malignant form in Moureal and in Europe, and great fear were entertained that it would extend to our Atlantic and central States.